

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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HYSITRON INCORPORATED,  
a Minnesota corporation,

Plaintiff,

v.

MTS SYSTEMS CORPORATION,  
a Minnesota corporation,

Defendant.

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Civil No. 07-cv-01533 (ADM/AJB)

**DECLARATION OF MATTHEW  
SPOHN IN SUPPORT OF  
MOTION TO COMPEL  
DISCOVERY RESPONSES  
FROM HYSITRON**

I, Matthew D. Spohn, do state and declare under penalty of perjury:

1. I am an attorney with the law firm of Winthrop & Weinstine, P.A., attorneys for Defendant MTS Systems Corporation (“MTS”) in this matter. I make this declaration upon personal knowledge.

2. MTS served its First Set of Interrogatories, Document Requests and Requests for Admission to Plaintiff upon Plaintiff Hysitron Incorporated (“Hysitron”) on August 1, 2007.

3. A true and correct copy of Plaintiff’s Responses to Defendant’s First Set of Interrogatories, Document Requests and Requests for Admission to Plaintiff, dated September 7, 2007, is attached hereto as *Exhibit A*.

4. A true and correct copy of my September 25, 2007 letter to counsel for Hysitron is attached hereto as *Exhibit B*.

5. A true and correct copy of the October 11, 2007 letter I received from counsel for Hysitron is attached hereto as *Exhibit C*.

6. I spoke with Todd Werner, counsel for Hysitron, regarding the issues in our respective letters on October 17, 2007. A true and correct copy of my October 17, 2007 letter confirming that conversation is attached hereto as ***Exhibit D***.

7. A true and correct copy of the October 25, 2007 letter I received from counsel for Hysitron is attached hereto as ***Exhibit E***.

8. A true and correct copy of my October 26, 2007 letter to Todd Werner is attached hereto as ***Exhibit F***.

9. A true and correct copy of the October 29, 2007 responsive email I received from counsel for Hysitron is attached hereto as ***Exhibit G***.

10. A true and correct copy of the United States Patent and Trademark Office's Order Granting Request for Ex Part Reexamination of U.S. Patent No. 5,553,486 is attached hereto as ***Exhibit H***.

11. A true and correct copy of the United States Patent and Trademark Office's Order Granting Request for Ex Part Reexamination of U.S. Patent No. 5,026,677 is attached hereto as ***Exhibit I***.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 31, 2007, in Minneapolis, Minnesota.

By: s/Matthew D. Spohn  
Matthew D. Spohn